

CHAPTER II

CITIZEN PARTICIPATION

Public Law 100-242, Housing and Community Development Act of 1987, better known as the 1988 Amendments to the Housing and Community Development Act of 1974, was signed into law on February 5, 1988. Section 508 of the new law deals with additions to citizen participation requirements of Section 104(a)(2) of the 1974 Act, as amended.

Public Law 100-242, Section 508 requires the State to develop a written Citizens Participation Plan to incorporate the requirements of the new law. The State of Missouri has developed such a plan, which became effective March 4, 1988. Regulations allowed the new law to be incorporated into the State's funding cycle at the time it was enacted and not retroactively. This Plan was amended November 1, 1988, and November 1, 1990, and such amendments became effective those dates, and are not retroactive.

The following provisions are contained in the State's adopted Citizens Participation Plan and apply to all applications received after March 4, 1988:

1. Recipients **must demonstrate** that reasonable efforts to ensure involvement of citizens or citizen organizations throughout all stages of the program shall be or have been undertaken. There shall be the opportunity for involvement of low- and moderate-income persons, members of minority groups, residents of areas where Community Development Block Grant assisted activity is proposed or ongoing, residents of slum or blighted areas, the elderly, the handicapped, the business community, and civic groups concerned about the program. Citizens and citizen organizations shall be provided the opportunity to assess and submit comments on all aspects of the City's Community Development Program performance. **All records of above efforts shall be made a part of grant files.**
2. All applicants for and recipients of Community Development Block Grant funds shall be required to conduct all aspects of the Community Development Program in an open manner with access to records on the proposed and actual use of funds for all interested persons. **All records of applications and funded grants must be kept at the recipient/grantee's offices and be available during normal working hours.** Any activity of the Community Development Program, with the exception of confidential matters relating to the housing rehabilitation and economic development programs, shall be open to examination by all citizens.
3. The applicant/recipient must provide technical assistance, at the level of expertise available at City Hall, to groups representative of persons of low- and moderate-income who request such assistance in developing proposals. All application materials and instructions shall be provided at no cost to any such group requesting it.
4. Citizens shall be provided adequate and timely information, so as to enable them to be meaningfully involved in important decisions at the various stages of the program, including at least (1) the development of needs, (2) the review of the proposed activities, and (3) review of past program performance, in the following manner:
 - a. **At least one public hearing** shall be held prior to an application being submitted to the State for funding through the CDBG program. Hearings shall be scheduled at a time and location felt to be most likely possible for the majority of interested citizens to attend without undue inconvenience. Items 4(1) and 4(2) above must be addressed at this hearing

as reflected by minutes of the hearing. For competitive applications, the hearing cannot be less than **15 full days (actually 17 days, as the day of the hearing and the application deadline date cannot be counted as one of the 15 full days) prior to application deadline or more than six months prior to application submittal.** For open cycle applications, the 15 day rule does not apply. Item 4(3) must be addressed in public hearing prior to grant close-out. Proof of said hearing will be part of close-out documentation.

- b. **Notification of any and all hearings shall be given a minimum of five full days (actually seven days, as the day of the notice and the day of the hearing cannot be counted as one of the five full days) in advance to allow citizens the opportunity to schedule their attendance.** Said notification shall be in the form of **display-type advertisements** in the newspaper with greatest local distribution, and/or by posting, letters, flyers, and any other forms that are clearly documented with wide circulation. **All hearings must be accessible to handicapped persons.** Consultation with CDBG staff is recommended prior to posting.

- 5. Provisions for interpretation shall be made available at all public hearings for non-English speaking residents, if 15% or more of such residents are expected to be in attendance.
- 6. The mayor or presiding commissioner's office shall receive and relate to appropriate persons or groups any views or proposals submitted within the decision-making time. Any criticism submitted in writing at any time should be answered in writing within 15 working days of receipt. All complaints shall be received and acted upon within 15 days by the mayor or presiding commissioner's office. If the complaint is not resolved, it shall be referred to the governing body for final disposition. The closeout process cannot be completed with outstanding citizens' complaints.

The above provisions of the Plan will be monitored by field representatives in accordance with the Citizen Participation Field Review form.

As noted in the Plan, a public hearing must be held prior to submittal of a formal application and prior to passage of the resolution to submit the application. The second hearing must address the performance on the funded grant at a minimum of 80% completion.

Sample public hearing notices can be found on the following pages (Exhibit 1). Minutes of all public hearings should be maintained indicating topics covered, including specific previous grant performance reviewed in the hearing(s).

EXHIBIT 1
PUBLIC HEARING NOTICES

HEARING NO. 1

1. The newspaper notice must include the following information:
 - a. The city/county intends to submit an application for CDBG funds.
 - b. The maximum grant amount.
 - c. The type of activities that may be undertaken include the improvement of public works, public facilities, housing rehabilitation, and others as allowed by law.
 - d. At least 51% of the funds must be used to benefit low- and moderate-income persons, or the funds will be used to eliminate slums and blight, as applicable.
 - e. There will be minimization of displacement of persons resulting from the project, and assistance to any displaced persons would be provided according to the Uniform Relocation and Real Property Acquisition Act of 1970, as amended, and Section 104(d), Section 104(k), or Section 105(a)(11) of the Title I Act.
 - f. The city/county is soliciting citizen input on the entity's on-going community development needs.
 - g. Description of proposed project for which the city/county is applying.
 - h. Total estimated project cost, including amount being applied for, other state/Federal funds, local contribution proposed, etc.
 - i. Specific location of project, either community-wide or boundaries (by name) of target area.
 - j. Percent of low- and moderate-income benefit of the proposed project (if known), or at least 51%.
 - k. Encouragement of area residents to attend.
2. The notice must be sufficient in size and clarity to properly gain public attention.
3. A copy of the notice must be included in the application.

SAMPLE PUBLIC NOTICE - HEARING NO. 1

The City of Anytown will hold a public hearing on January 3, 2004, 7:00 p.m. at City Hall to discuss the city's submission of an application for the Fiscal Year 2004 Community Development Block Grant (CDBG) program. The city is interested in obtaining all citizens' input on community development needs within the city. As part of the hearing process citizens will be asked to verbally assist in the completion of a Needs Assessment document. The document will detail what the residents feel are the strengths and weaknesses of the community. The city needs as much local participation as possible in order to reflect the true desires of the community as a whole, as well as the comments relating to the proposed project application. The State has established a maximum application request for each funding category. Activities that are eligible for funding include the improvement of public works, public facilities, housing rehabilitation, and others allowed by law. At least 51% of the funds must be used to benefit low- and moderate-income persons. No displacement of persons will be proposed.

The city is proposing to replace some sewer lines, install some new sewer lines, and install a lift station in the southeast part of the city. The area to be addressed is bounded by Main Street on the east, Gordon Street on the west, BN Railroad on the north, and the City Limits on the south. The total project cost is estimated at \$322,000. The city proposes to contribute \$48,000 in cash, \$45,000 in-kind labor by city crews, with grant funds of \$229,000 needed to make up the balance. The project, if funded, will benefit 57% low- and moderate-income persons. All citizens, including those in the targeted area, are encouraged to attend in order to comment on the proposed activities.

For more information, or if you require special accommodations at the hearing, contact Jane Doe at

HEARING NO. 2

A second public hearing on grant performance is required after a minimum of 80% of grant completion. Documentation shall include the newspaper advertisement and the minutes of the hearing. This must be submitted to DED as part of the close-out process.

SAMPLE PUBLIC NOTICE - HEARING NO. 2

The City of Waterville will hold a public hearing at 6:30 p.m. prior to regular Council meeting on February 24, 2004, in Council Chambers at City Hall to discuss the past performance by the City in carrying out the City's 2002 water project in the northwest section of town. Approximately 3,120 LF of 2" cast iron water line was replaced with 6" PVC line, and a new ground storage unit was installed to help the water supply problem in peak periods. All interested citizens and groups are encouraged to attend the scheduled hearing.

For more information, or if you require special accommodations at the hearing, please contact Jane Doe at 314/888/8888

****CITIZEN PARTICIPATION HELPFUL HINTS****

- ❖ Projects with large community involvement and understanding are always more successful.
- ❖ Fifteen full days between the public hearing and the application deadline really means seventeen days.
- ❖ Five full days between the announcement of the hearing (publication or posting) and the hearing really means seven days.
- ❖ If you post your meeting notice instead of publishing it, then you must document the sites of the posting and the date.
- ❖ Change the sample publication notice to match your project.
- ❖ Hold your public hearing in a handicapped accessible location.
- ❖ Keep an attendance list at all hearings and meetings, as well as minutes.
- ❖ Respond to all request or complaints addressed at public hearings